

REMARKS

Reconsideration of the present application is respectfully requested. In this response, no claims have been amended, canceled or added.

SUMMARY OF THE OFFICE ACTION

Claims 37, 39, 42-46 and 48-53 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication No. 2002/0169926 of Pinckney et al. ("Pinckney"). Claims 40 and 47 were rejected under 35 U.S.C. 103(a) as being unpatentable based on Pinckney. Claim 41 was rejected under 35 U.S.C. 103(a) as being unpatentable based on Pinckney in view of U.S. Patent No. 6,744,763 to Jones et al. (hereinafter, "Jones").

RESPONSE TO REJECTIONS

Claim 64 recites:

64. A streaming media network cache comprising:
- a storage facility to cache streaming media data received by the streaming media network cache from a remote server **in a form that is specific to a first streaming media protocol**;
 - a protocol independent caching subsystem **to store** the streaming media data in the storage facility **in said form that is specific to the first streaming media protocol** and to retrieve the streaming media data from the storage facility; and
 - a protocol dependent caching subsystem to output the streaming media data retrieved by the protocol independent caching subsystem from the storage facility to a client system over a network according to the first streaming media protocol. (Emphasis added.)

Applicants argued in their last response (filed on 2/21/2007) that Pinckney does not disclose or suggest such an apparatus, and in particular, one in which streaming media data received from a remote server is stored in a form that is specific to a particular streaming media protocol (e.g., the “first streaming media protocol” in claim 64) by a protocol independent caching subsystem. Applicants further argued that Pinckney discloses that streaming media content is *translated* by a protocol translator 36 and then stored *in a protocol-independent (canonical) form* (para. [0032]). The content is then translated back into a protocol-specific form by a protocol translator 38 before the content is sent to a client. This is contrary to the present invention, in which the streaming media is stored *in a form that is specific to a particular streaming media protocol*. A significant advantage of the present invention is that it avoids the need for any protocol translation of the sort disclosed in Pinckney (i.e., into canonical form), which tends to be CPU intensive.

Applicants respectfully maintain these arguments.

In the Final Office Action the Examiner disagrees, giving the following rationale (Final Office Action, p. 9):

Pinckney teaches, on pages 2-3, paragraph 0031 that content is stored and subsequently transmitted to a client. The content may be in an incompatible protocol as required by the client and therefore protocol conversion or translation would be deemed necessary. **However, if protocol translation or conversion is not required, for example a situation in which the protocol is deemed compatible with the client, then protocol conversion or translation is not required and it would make no sense to perform unnecessary protocol conversion or translation. It is best understood that the steps of protocol translation as discussed in paragraph 0032 on page 3 of Pinckney would only be performed if protocol translation**

would be deemed necessary. Therefore, Pinckney teaches the storage of streaming media data wherein the streaming media data is stored in a form that is specific to a particular streaming media protocol. (Emphasis added.)

First, Applicants respectfully submit that the Examiner has made an incorrect assumption about the system/technique in Pinckney. Specifically, it *does* indeed make sense for the system of Pinckney to store the streaming media data in the canonical (protocol-independent) format *regardless* of whether the protocol of the data is compatible with the requesting client, because one of the stated objectives of Pinckney is to be able to *efficiently* stream the same data to *different clients using various different streaming protocols*. See, for example, Pinckney at para. [0069] starting with the last sentence on page 7, second sentence in para. [0068], and first sentence of para. [0006]. If the system of Pinckney were *not* to translate a given set of data into the canonical format for storage, that would *reduce the efficiency* with which the system could stream that set of data to other clients that use *other (i.e., incompatible) formats*. Hence, even when the protocol is compatible with a particular client, protocol translation is *not* "unnecessary" in the system of Pinckney, as the Examiner contends. As such, the Examiner's assumption in deeming Applicants' above-stated arguments unpersuasive is incorrect.

Second, even assuming *arguendo* the correctness of the assumption that "it would make no sense" for Pinckney to operate other than as recited in Applicants' claims, that would not be a sufficient basis to interpret Pinckney as disclosing the above-noted claim limitations. To do so would be, in essence, to take the position

that the prior art *necessarily* discloses the most optimal approach. Clearly that is flawed logic, given that real-world design normally involves multiple competing design considerations, not all of which can always be optimized at the same time.

With the above in mind, consider also that Fig. 3 of Pinckney does *not* show any data path that would suggest either protocol translator 36 or protocol translator 38 being *bypassed* at any time (e.g., when the protocol is compatible with the requesting client), nor is there any hint found in the text that those elements are used only sometimes. Since the scenario mentioned by the Examiner (i.e., where the protocol is compatible with a particular requesting client) may be assumed to be fairly commonplace, one must assume that Pinckney thought of it and, therefore, would have shown such a bypass data path and/or at least mentioned that protocol translation is sometimes unnecessary, *if* in fact that had been the approach that Pinckney intended.

To the contrary, however, Applicants respectfully submit that Pinckney at least *clearly implies*, if not explicitly discloses, that streaming media content is *always* translated into the protocol-*independent* (canonical) form before being cached in the SDA (para. [0032]), and that such an approach makes logical sense in the context of that system for the reason stated above. As explained above, that approach clearly differs from the present invention as claimed.

For at least the above reasons, therefore, Applicants respectfully maintain that the rejection is improper and request that it should be withdrawn.

DEPENDENT CLAIMS

In view of the above remarks, a specific discussion of the dependent claims is considered to be unnecessary. Therefore, Applicants' silence regarding any dependent claim is not to be interpreted as agreement with, or acquiescence to, the rejection of such claim or as waiving any argument regarding that claim.

CONCLUSION

For the foregoing reasons, the present application is believed to be in condition for allowance, and such action is earnestly requested.

If there are any additional charges, please charge Deposit Account No. 02-2666.

Respectfully submitted,

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